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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA, }
Plaintiff, }
vs. }
DAVID BENJAMIN WICK, SR., }
Defendant. }

Case No. CR 22-28-BLG-SPW

**UNOPPOSED MOTION
TO AMEND CONDITIONS
OF RELEASE**

COMES NOW Defendant David Benjamin Wick, Sr. (David), by and through his attorney of record, and respectfully requests that the Court issue an Order amending the Conditions of Release in this matter.

The basis of this Motion is that David was released from custody upon Conditions of Release on October 14, 2022. [Doc. 41]. The Court imposed two conditions that David seeks to amend:

Condition #16: That Defendant shall reside with Christine Wick and not change his residence without prior approval of the Pretrial Services Officer; and,

Condition #18: That Defendant shall not be allowed to reside in the home, residence, or be in the company of any child under the age of 18 without prior approval of United States Probation.

Prior to his arrest, David resided with his wife and family in Lame Deer, Montana. David's wife and family continue to reside in Lame Deer, Montana. David's minor children and grandchild reside in the home. David's wife resides with their minor children (ages approximately 16 and 12) and their grandchild (age approximately 1). Undersigned counsel has provided the address of the residence to the supervising Pretrial Services Officer, John Ross.

David respectfully requests that the Conditions of Release be modified, or clarified, to provide that:

A. David may have contact with his children and grandchildren without the supervision of another adult.

B. David may reside with his wife Therese Spear and their children and grandchildren, and be in their home, residence, or company.

David has signed a Plea Agreement. The Plea Agreement includes a Paragraph related to "Sexual Offender Requirements and Agreement to Comply." Undersigned counsel anticipates that the Plea Agreement will be filed by the United States imminently.

The Plea Agreement provides, in part, that with "the exception of his own children and grandchildren, the defendant agrees to have no contact with minor children except when other adults are present." Accordingly, should the Court accept the Plea Agreement then there would be no barriers to David having contact with his children and grandchildren.

Undersigned counsel has contacted Assistant United States Attorney Bryan Dake regarding his position to this Motion. Mr. Dake has advised that he defers to the discretion of the Pretrial Services Officer.

Undersigned counsel has contacted Pretrial Services Officer John Ross about the above requests. Mr. Ross has advised that he does not have any objection to the request; however, Mr. Ross requests that the Court approve of the proposed modifications. Thus, although the Pretrial Services Officer has the discretion to approve of the changes to Conditions #16 and #18, David respectfully requests that the Court issue an Order authorizing the requested changes.

Accordingly, there being no objection thereto, Defendant respectfully moves the Court for an Order amending his Conditions of Release as set forth above.

DATED this 22nd day of November, 2022.

/s/ DANIEL BALL
DANIEL BALL
Attorney for Defendant